



The State Bar *of California*

Bar Exam Topics Release FAQs

July 2019 Dates: July 30-31

Applicants Approved to Sit For the Exam: Approximately 9,000

Testing Centers: 15 throughout the state

Content: Five one-hour essay questions, one 90-minute performance test

Multistate Bar Examination: 200 item multiple-choice examination

California Bar Exam topics are listed on this page:

<http://www.calbar.ca.gov/Admissions/Examinations/California-Bar-Examination/California-Bar-Examination-Scope>

The MBE tests seven subjects: Civil Procedure, Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property, and Torts.

What happened?

On Thursday, July 25, the State Bar inadvertently emailed a memo to 16 law school deans that was not intended to be sent until after the Bar Examination. The memo was a routine invitation to observe a calibration session of the grading process in late August and included the subject matter of the essay questions and performance test.

Once the State Bar determined that its control over this information had been lost, we decided to release the information in order to provide a level playing field to all. We had no indication that information had in fact been disseminated, but acted proactively to address any worst case scenario: information in whatever manner reaching a larger audience.

After the error surfaced on Saturday, July 27, the State Bar notified California law school deans and all applicants eligible to take the July 2019 California Bar Examination with the following email, which was distributed the evening of Saturday, July 27. A similar notification was sent to all national law school deans on July 28.

To: Applicants for the July 2019 Bar Examination

It has come to our attention that the State Bar inadvertently provided a number of deans of law schools in California a list of the subject matter topics contained in the July 2019 Bar Examination essay questions and performance test. Out of an abundance of caution and fairness, we are sending the same information, verbatim, to all those preparing to take the examination. The memo provided:

The subject areas and tasks for the July 2019 California Bar Examination are listed below. . . .

Question 1: Civil Procedure
Question 2: Remedies/Constitutional Law
Question 3: Criminal Law and Procedure
Question 4: Professional Responsibility
Question 5: Contracts
PT: Objective Memo – Evidence

Sincerely,
Donna S. Hershkowitz
Chief of Programs, State Bar of California

Does this impact the Multistate Bar Examination (MBE) as well?

No. This impacts the California exam only; the MBE multiple choice section is not impacted by the release of the topic areas. Topics not on the essay question list may be covered on that portion of the exam. Furthermore, the National Conference of Bar Examiners has confirmed that the national component of the exam is not impacted by the course of action that the California State Bar has taken.

Was this a systems or human error?

It was a human error.

Why did only 16 deans get the memo?

Deans are invited to observe grading calibration every year, with a select cross-section of California law schools invited on a rotating basis, as there is insufficient space to accommodate all those who may be interested in attending. Other law school staff often attend, depending on the subject matter used on the exam, which is why this information is included in the invitation.

Which deans got the memo?

The invitation to attend the grading session was sent to deans from the following schools:

Abraham Lincoln University School of Law
Cal Northern School of Law
Glendale University College of Law
Humphreys University Law School
Lincoln Law of San Jose
Northwestern California University School of Law
Oak Brook College of Law
Peoples College of Law
San Francisco International University College of Law
San Francisco Law School, Alliant University
Taft Law School
Trinity Law School
UC Hastings College of the Law
University of La Verne College of Law
University of West Los Angeles School of Law
Western State College of Law

What led to the decision to release the topics to all applicants?

We consulted with the psychometrician who is involved in the evaluation and ultimate scoring of the exam. He concurred that release of general topics to all applicants was the best course of action, out of an abundance of caution and fairness, and in an attempt to level the playing field should any applicants have had access to the information contained in the memo.

Did the State Bar consider changing the topics for the exam?

Yes. However, the State Bar has only a limited number of alternate questions available for exams. There is a rigorous process undertaken to develop questions in a way that ensures the exam's validity, and there is insufficient time to develop additional questions to supplement the limited number of alternate questions we have on hand.

Did the State Bar consider postponing the exam?

We did not take lightly the decision to reveal the topics to all. There was simply insufficient time to prepare, edit, pre-test, re-edit, print and package an entire set of new test questions in time for the exam, and we did not feel it was fair to the applicants to postpone or cancel the exam.

- Numerous examinees travel to California from across the country and other parts of the world to take the bar exam.
- The State Bar of California does not have the authority to change the date of the Multistate Bar Exam. Making such a change requires approval of the National Conference of Bar Examiners.
- Ultimately we determined that the impacts of postponing would be too great on examinees who have already planned and studied for this exam date.

How will this event affect the scoring of the exam?

We anticipate using the same scoring protocol and procedures as have been used in the past. We will make every effort to assess what the impact will be on student performance and will carefully monitor this aspect to preserve the integrity of the bar exam.

What measures is the State Bar taking in the aftermath of this error?

The State Bar apologizes for this error. We are committed to ensuring the integrity of the California Bar Examination. While we believe that the remedial measures we have taken, by notifying students and deans and answering questions in a timely way, are sufficient to ensure the integrity of the July 2019 Bar Exam, the agency will launch an independent review of the circumstances surrounding the error to identify any measures we may need to take to prevent such occurrences in the future.